



Dr. Alan Lloyd
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger
Governor

Paul Caron
California Department of Transportation
100 South Main Street, MS 16A
Los Angeles CA 90012

WATER QUALITY CERTIFICATION FOR PROPOSED STATE ROUTE 60 WIDEN FREEWAY FOR HIGH OCCUPANCY VEHICLE BETWEEN ROUTE 605 AND BREA CANYON BOULEVARD PROJECT (Corps' Project No. 2006-00853-MDC), SAN JOSE CREEK TRIBUTARY TO SAN GABRIEL RIVER, CITY OF INDUSTRY, ROWLAND HEIGHTS, AND HACIENDA HEIGHTS, LOS ANGELES COUNTY (File No. 06-004)

Dear Mr. Caron:

Regional Board staff has reviewed your request on behalf of California Department of Transportation for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 4, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

[Original signed by]
Jonathan S. Bishop
Executive Officer

April 26, 2006
Date

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 06-004

1. Applicant: California Department of Transportation
100 South Main Street, MS 16A
Los Angeles CA 90012

Phone: (213) 897-0610/(213) 897-9362 Fax: (213) 897-0685
2. Applicant's Agent: None
3. Project Name: State Route 60 Widen Freeway for High Occupancy Vehicle
between Route 605 and Brea Canyon Boulevard
4. Project Location: City of Industry, Rowland Heights, and Hacienda Heights, Los
Angeles County

Longitude: 117.9920; Latitude: 34.0135
Longitude: 117.9819; Latitude: 34.0231
Longitude: 117.9752; Latitude: 34.0100
Longitude: 117.9711; Latitude: 34.0087
Longitude: 117.9709; Latitude: 34.0092
Longitude: 117.9207; Latitude: 33.9953
Longitude: 117.9006; Latitude: 33.9938
Longitude: 117.8981; Latitude: 33.9936
Longitude: 117.8964; Latitude: 33.9939
Longitude: 117.8951; Latitude: 33.9939
Longitude: 117.8914; Latitude: 33.9939
Longitude: 117.8853; Latitude: 33.9938
5. Type of Project: Road Widening
6. Project Description: *Purpose:*
The project goal is to relieve traffic congestion, improve safety,
accommodate oversized trucks and promote car pools.

Description:
State Route 60 will be widened with the addition of one high-
occupancy vehicle lane in each direction. The project limits extend
from Interstate 605 to Brea Canyon Boulevard for 11.2 miles

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portion along Route 60. The project includes the construction of pullouts and sound walls.

Specifically, along Route 60 from postmile 18.6 to 18.73 and at 20.6, temporary impacts will occur to concrete channels due to construction activities. At postmile 13.93, 14.7, 15.38, 15.54, 19.79, 19.89, 19.9, and 20.0 portions of the concrete channels and box culverts will be relocated, removed, and/or replaced. Thirty-nine feet of a natural drainage system at postmile 20.3 will be lined with concrete.

- | | |
|---|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 14 (Permit No. 2006-00853-MDC) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act Compliance: | Caltrans approved the project's Negative Declaration on June 26, 2000. |
| 10. Receiving Water: | San Jose Creek tributary to San Gabriel Creek (Hydrologic Unit No. 405.41) |
| 11. Designated Beneficial Uses: | MUN*, GWR, REC-1, REC-2, WARM, WILD

*Conditional beneficial use |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.004 temporary acres (40.68 linear feet) and 0.046 permanent acres (39.7 linear feet)

Non-wetland waters (unvegetated streambed): 0.138 temporary acres (1365.92 linear feet) and 0.285 permanent acres (1075.43 linear feet) |

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13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant:
- Past and Present Projects:
- Route 60, Post mile 00.0 to 15.1 at various locations, maintenance vehicle pullouts during 2003 to 2004.
- Post mile 00.0 to 15.1, 16.9 near industry, soundwalls during 2002 to 2004.
- Post mile 21.8 to 22.3 City of Industry and Diamond Bar, soundwall projects during 2004 to 2005.
- Post mile 22.4 to 25.0 Old Brea Canyon Road and Grand Avenue, High Occupancy Vehicle direct connection & collector road during 2003 to 2006.
- Near City of Industry and Diamond Bar, replace Portland cement concrete during 2005 to 2006.
- Future Projects:
- West Turnbull Canyon Road east- and west-bound, soundwall projects during 2007 to 2008.
- Work in various locations to grind concrete pavement during 2005 to 2007.
- Post Mile 18.0 to 21.5 in Rowland Heights, sidewalk and irrigation projects.
- Post Mile 20.5 in Rowland Heights to construct retaining wall during 2006 to 2007.
- Post Mile 14.8 to 17.9 on route 60, replace overhead guide signs and panels during 2008 to 2009.
- Post Mile 00.00 to 19.5, Los Angeles County along Fullerton Road to grind and replace slab during 2008 to 2009.
- Post mile 21.5 to 23.0 in the City of Industry and Diamond Bar

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from Fairway Drive UC to Old Brea Canyon Road UC to construct the interchange during 2008 to 2010.

15. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Project and staging areas will be kept to a minimum.
- Bird-nesting surveys will be conducted.
- Vegetation will be remove prior to the bird nesting season.
- No Cleaning of equipment shall be performed within the project limits.
- Hydraulic mulch will be used to protect bare soil from erosion.
- Disturbed areas will be hydroseeded with native species.
- Sandbags, silt fences, and fiber rolls will be used to control sediment within the project limits.
- Velocity dissipation and slope drain devices will be utilized.
- Soil, fill or stockpiles will be covered with tarps.
- Dust control measures will be used.
- Only existing roads and access ramps shall be used.
- Storm drain inlets will be protected from sediment discharge coming from the construction site.
- Equipment fueling or maintenance will occur off-site.
- Hydrocarbon spills will be reported to the appropriate agencies.
- Cement or concrete will not be poured within 150 feet of a stream during the rainy season.
- Cement will be poured only if a 7-day clear-weather forecast

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window is predicted.

16. Proposed Compensatory Mitigation:

Vegetated Streambed:

The Applicant has proposed to restore 0.124 acres of vegetated streambed, for 0.008 acres of permanent impact (0.032 acres at 4:1), and 0.046 acres of temporary impacts (0.092 acres at 2:1). A total of 0.046 acres will be restored onsite, and 0.078 acres will be restored offsite.

Unvegetated Streambed:

The Applicant has proposed to restore 1.486 acres of unvegetated streambed, for 0.247 acres of permanent impacts (0.988 acres at 4:1) and 0.249 acres of temporary impacts (0.498 at 2:1). Mitigation for 1.486 acres will be restored offsite.

(See Table 1 below)

An in-lieu transfer agreement will contribute funds for a one-time basis for offsite restoration 0.078 acres vegetated and 1.486 acres unvegetated streambed to the San Gabriel Mountains Regional Conservancy. Estimates of between \$161,000 to \$322,000 will be transferred for the above listed restoration within the San Gabriel Watershed.

TABLE 1
Streambed (vegetated) mitigation

	Impact area (acres)	2:1 ratio	4:1 ratio
Streambed (vegetated) permanent	0.008		0.032
Streambed (vegetated) temporary	0.046	0.092	
Total mitigation acre (permanent + temporary) =			0.124
Onsite mitigation acres (0.046) + offsite mitigation acres (0.078) =			0.124

Streambed (unvegetated) mitigation acreage

	Impact area (acres)	2:1 ratio	4:1 ratio
Streambed (unvegetated) permanent	0.247		0.988

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Streambed (unvegetated) temporary	0.249	0.498	
Total mitigation acres (all offsite) =			1.486

17. Required
Compensatory
Mitigation:

The Applicant shall restore 0.124 acres of vegetated streambed and restore 1.486 acres of unvegetated streambed.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the Water Quality Control Plan, Los Angeles Region (1994).
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site
15. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of

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Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

19. All project and/or construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore the proposed **0.295 acres** (1,115 linear feet) of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which

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could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

22. The Applicant shall provide compensatory mitigation to offset the proposed (temporal) loss of vegetated and unvegetated streambed within waters of the United States by restoring equivalent riparian habitat. A total of **0.046 acres** of vegetated streambed shall be restored at a minimum **2:1** area replacement ratio (**0.092 acres**), and **0.249 acres** of unvegetated streambed shall be restored at a minimum **2:1** area replacement ratio (**0.498 acres**).
23. The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to vegetated streambed and unvegetated streambed within waters of the United States/Federal jurisdictional wetlands. The Applicant will restore riparian habitat/Federal vegetated streambed habitat at a minimum **4:1** replacement ratio (**0.032 acres**) for permanent impacts and unvegetated streambed habitat at a minimum **4:1** replacement ratio (**0.988 acres**).
24. The Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.078 acres** of vegetated streambed and **1.486 acres** of unvegetated riparian habitat within waters of the United States/Federal jurisdictional wetlands. Funding shall apply to mitigation acreage only, not administrative costs. The mitigation site shall be located within the San Gabriel Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
 - (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
 - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (d) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

25. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

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26. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
- (e) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (g) The overall status of project including a detailed schedule of work;
 - (h) Copies of all permits revised as required in Additional Condition 1;
 - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (j) A certified Statement of “no net loss” of wetlands associated with this project;
 - (k) Discussion of any monitoring activities and exotic plant control efforts; and
 - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
27. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage’s/basin’s existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
28. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.

Conditions of Certification
File No. 06-004

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____(Signature)
_____(Title)''

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33. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
34. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
35. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
36. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.